Legislation Details (With Text)

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Title: Dept/ Agency: Offices of Municipal Council/City Clerk
Action: ( ) Ratifying   (X) Authorizing   ( ) Amending
Type of Service: Supporting
Purpose: Support for efforts to pass an Amendment to the United States Constitution related to campaign finance reform.
Additional Information:
  Sponsor Rice

Sponsors:

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Date	Ver.	Action By	Action	Result
5/1/2013	1	Municipal Council	Adopt	Pass

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WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings ("natural persons"); and

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations; and

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. the Federal Election* Commission (2010) reversed the decision in Austin, and presents a serious threat to self-government by rolling back legal limits on corporate spending in the electoral process allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of

corruption justified limits on contributions to candidates, but it wrongly rejected other fundamental interests that the City Council finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, money is property, it is not speech; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT it is the position of the Newark Municipal Council that corporations should not receive the same constitutional rights as natural persons do and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.

BE IT FURTHER RESOLVED that the City of Newark, New Jersey hereby includes in its 2013 Federal Legislative Agenda support for efforts to pass an Amendment to the United States Constitution related to campaign finance reform and ending the false doctrine of corporate constitutional rights and, respectfully urges New Jersey's Congressional delegation to prioritize congressional proposal of an amendment to the United States Constitution addressing the threats to representative government identified in this resolution so that the states may ratify it.

STATEMENT

This resolution supports efforts to pass an Amendment to the United States Constitution related to campaign finance reform.